



September 23, 2008

Indiana Economic Development Corporation

Barbara McNutt
Chief Counsel
Indiana Professional Licensing Agency

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Dear Ms. McNutt:

Pursuant to IC 4-22-2-28, The Indiana Economic Development Corporation ("IEDC") has reviewed the economic impact analysis for small businesses associated with rule changes proposed by the Indiana Professional Licensing Agency ("IPLA") on behalf of the Medical Licensing Board of Indiana and the Occupational Therapy Committee ("Board") and contained in LSA Document 08-418. The proposed rule amends 844 IAC 10-1 through 844 IAC 10-7 to revise and clarify definitions and makes changes to the certification process. The rule establishes competency requirements and responsibilities of licensees to comply with House Enrolled Act 1821. The act required the Board to adopt rules establishing requirements for continuing competency to renew an occupational therapist license or an occupational therapist assistant certification and to change certification of occupational therapists. The proposed rule also clarifies and revises language and removes out-of-date and unnecessary language in the rules to bring the rules into conformity with the Committee's statutes. In the proposed rule, occupational therapists and occupational therapy assistants will be required to obtain eighteen (18) hours of continuing education during each two (2) year license period in order to renew their license or certificate.

Small businesses impacted by this rule are occupational therapy service companies or centers, occupational therapists, occupational therapy assistants, and continuing education providers. Occupational therapists and occupational therapy assistants must be licensed or certified to practice as or use the title of occupational therapist and occupational therapy assistant. The IPLA estimates that the number of small businesses includes; 3530 occupational therapists/occupational therapy assistants, eight (8) occupational therapy corporations, and three (3) occupational therapy continuing education sponsoring organizations. Although the proposed rule affects the practice of occupational therapists and occupational therapy assistants specifically, the small business for which these occupational therapy practitioners are employed will also be affected because of licensees' compliance with the continuing education requirements. In addition, some businesses that employ occupational therapy practitioners and are affected by this rule are not small businesses so those businesses would not be included in this estimate. The proposed rule, will also apply to and affect occupational therapy continuing education sponsoring organizations cited, is only an estimate and is based upon the number of known organizations that have a presence in Indiana.

Total costs incurred by affected occupational therapy licensees comes from the number of licensees, which is currently 3530 multiplied by the eighteen (18) continuing competency contact hours required, which equals 63,540 hours. The cost of each continuing competency hour is \$50 multiplied by the 63,540 hours, makes the total cost of this rule to small business approximately \$3,177,000. There will be no increased cost due to new reporting or record keeping requirements for small businesses as a result of this proposed rule.

The IEDC does not object to the economic impact to small businesses associated with the proposed rule. The proposed rule mirrors a federal rule from the National Board for Certification in Occupational Therapy, which requires continuing education as a condition of renewing the practitioner's national certification. The Board also notes that 42 other states require continuing education for renewal of licensure. Most occupational therapy practitioners are currently taking continuing education; therefore, this rule change would only make it an official requirement for renewal of licensure and would not increase costs to licensees or small businesses. Additionally, the IPLA is required to set fees at a level necessary to cover the costs of its boards and commissions. The proposed rule was determined to be the fairest and most cost effective means of carrying out the IPLA's duties.

If you have any questions about the comments contained herein please contact me at 233-8962 or rasberry@iedc.in.gov.

Regards,



Ryan Asberry

Assistant Vice President